

Child Dental Neglect Laws: Specification and Repercussions for Dentists in 51 Jurisdictions

by

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Abstract

Purpose: The American Academy of Pediatric Dentistry (AAPD) definition of child dental neglect is the “failure of parent or guardian to seek and follow through with treatment necessary to ensure a level of oral health essential for adequate function and freedom from pain and infection.” When dental caries are untreated it can lead to pain, infection, malnutrition, and/or death. These reasons, and more, are why appropriate and timely treatment of dental caries is a public health significance. We performed an interjurisdictional comparison of statutes and regulations (collectively “laws”) pertaining to reporting child dental neglect by dentists.

Methods: We obtained child neglect laws in 51 jurisdictions (50 states and District of Columbia) via the Westlaw legal database, Internet and direct communication with the health department in each jurisdiction. We evaluated mandated reporter laws on: 1) protection from civil and criminal liability for reporting neglect; and 2) sanctions for the failure to report neglect.

Results: All jurisdictions had child neglect laws, with eight specifying dental neglect and none adopting the AAPD definition. All jurisdictions protected mandated reporters of neglect. The sanctions for failing to report neglect ranged from imprisonment from up to 6 months (49%) to 5 years (2%) and fines from up to \$1,000 (61%) to \$10,000 (6%).

Discussion: Dentists may not be aware of the sanctions for failing to report child dental neglect in their jurisdiction or that there are interjurisdictional differences.

Table of Contents

Acknowledgements.....	viii
1.0 Introduction.....	1
2.0 Methods.....	3
2.1 Obtaining Child Neglect Laws.....	3
2.2 Reporting or Failing to Report Neglect by Mandated Reporters.....	4
2.3 Confirmation of Findings using Direct Communication with Jurisdictions.....	4
3.0 Results.....	6
4.0 Discussion.....	15
4.1 Few Jurisdictions Specify “Dental” Neglect.....	15
4.2 Inconsistent Sanctions for Failing to Report Child Neglect.....	16
4.3 Good Faith.....	17
4.4 Limitations.....	17
4.5 Future Analyses.....	18
5.0 Conclusions.....	19
Appendix	20
Bibliography.....	29

List of Tables

Table 1.	The Specification of “Medical” and “Dental” Terms in the Definition of Child Neglect for 51 Unites States Jurisdictions.....	10
Table 2.	Protections from Civil and Criminal Liability when Reporting Child Neglect and Sanctions† Related to Imprisonment and Fines for Failing to Report Child Neglect by Mandated Reporters in 51 United States Jurisdictions	12

List of Figures

Figure 1.	The Specification of “Medical” and “Dental” Terms in the Definition of Child Neglect for 51 United States Jurisdictions.....	8
Figure 2.	Sanctions Related to Imprisonment for Failing to Report Child Neglect by Mandated Reporters in 51 United States Jurisdictions	8
Figure 3.	Sanctions Related to Fines for Failing to Report Child Neglect by Mandated Reporters in 51 United States Jurisdictions.....	9

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1.0 Introduction

According to the American Academy of Pediatric Dentistry (AAPD), child dental neglect is the “willful failure of parent or guardian to seek and follow through with treatment necessary to ensure a level of oral health essential for adequate function and freedom from pain or infection.”¹ This definition of child dental neglect has been adopted by the American Academy of Pediatrics (AAP).^{2, 3}

Dentists are mandated reporters of child abuse and neglect, and thereby required to report suspected cases.⁴⁻¹¹ This important role is re-iterated by the American Dental Association (ADA) Principles of Ethics and Code of Professional Conduct.¹² According to the ADA, “Dentists are ethically obligated to keep current their knowledge of both identifying abuse and neglect and reporting it in the jurisdiction(s) where they practice.”¹²

Reporting is critical because child dental neglect has significant long-term consequences for children.^{13, 14} Untreated dental caries can lead to pain, infection, malnutrition, missed school days and decreased school performance, and altered growth and development.¹³⁻¹⁵ In the case of the 12 year-old boy, Deamonte Driver, untreated dental caries led to an abscess, which spread to the cranium and led to death.¹⁶ The prevalence of child dental neglect has not been documented;¹⁷ however, estimates of child physical neglect range from 12 percent to 16 percent of children, with 37 percent of children in the United States having experienced a child protective services investigation by the age of 18 years-old.¹⁸⁻²⁰ Although the prevalence is not reported in the literature specific to dental neglect, there is evidence that it is underreported.^{21, 22}

Previous research focuses mostly on the identification of patients with suspected dental neglect²¹⁻²⁴ and the role of dentists in reporting.^{6, 7, 9, 11, 21, 22, 24, 25} There are two interjurisdictional policy analyses on dental neglect in the literature: one on the specification of dentists as mandated reporters of child abuse and neglect in 1995¹¹ and another surveying state dental directors and state health departments for the specification of dental neglect in state laws in 1986.¹⁰ We concluded that more research was needed to compare the definitions of child neglect and the sanctions for failing to report child dental neglect for mandated reporters, such as dentists, between jurisdictions. There were two purposes to this study: (1) to examine jurisdiction laws on child neglect for the inclusion of the term “dental” and against the AAPD definition of dental neglect; and (2) to report jurisdiction laws on the protections for reporting child neglect and sanctions for failing to report child neglect, specifically related to imprisonment and fines, for dentists as mandatory reporters.

2.0 Methods

2.1 Obtaining Child Neglect Laws

We obtained child neglect laws from 51 jurisdictions in March 2018. These jurisdictions excluded United States territories and tribal nations and included 50 states and the District of Columbia. After obtaining and confirming the child neglect laws for each jurisdiction, we coded each law for the inclusion of “medical,” “dental” and the adoption of the AAPD definition of dental neglect.

To obtain the child neglect laws, we used two approaches. First, we identified the codified child neglect laws for each of the 51 jurisdictions through the Department of Health and Human Services Child Welfare Information Gateway website.⁵ After obtaining the citations, each law was uncovered using an Internet search. Five jurisdictions specified “dental” in their definition of child neglect.

In the second approach, we performed a search in the Westlaw legal database using the string “dent! w/s neglect.” The Westlaw search resulted in 37 regulations and 117 statutes in which “dental” and “neglect” co-occurred in the same sentence. We reviewed these regulations and statutes individually for relevance to infants, children and teenagers, and excluded laws that did not pertain to the research question. This methodology resulted in 42 relevant laws. Within the 42 laws, 19 definitions of child neglect were identified, eight of which specified “dental” in their definition of child neglect. Therefore, we obtained three additional definitions of child neglect that specified “dental” compared to the Internet search.

2.2 Reporting or Failing to Report Neglect by Mandated

We analyzed the laws for each jurisdiction on two domains related to reporting mandated reporting of child neglect by dentists: 1) civil and criminal liability protections if reporting occurred; and 2) penalties, or sanctions, for failing to report child neglect as a first offense. We excluded sanctions for failing to report child neglect as a second or subsequent offense as well as the criminal law classification, such as misdemeanor or felony, from our analysis.

When reviewing the content of the laws for sanctions for failing to report child neglect as a mandated reporter for the first time, we described imprisonment and fines according to defined categories. We used the following four categories to describe imprisonment: 1) Not specified; 2) Imprisonment from one day to less than six months; 3) Imprisonment of six months to less than one year; and 4) Imprisonment greater than one year. We described fines using the following four categories: 1) Not specified; 2) Less than \$1,000; 3) \$1,000 to \$4,999; and 4) \$5,000 to \$10,000.

2.3 Confirmation of Findings using Direct Communication with Jurisdictions

After obtaining the child neglect laws and reviewing the content of the laws for protections and sanctions for dentists as mandated reporters, we validated our findings by contacting each state department of health and human services in each of the 51 jurisdictions via email from March to July 2018. During our communication with the jurisdictions, we stated the citation code and definition of child neglect found using the Internet and Westlaw legal database search as well as our findings on the sanctions for failing to report child neglect as a mandated reported. We asked each jurisdiction if we found the current child neglect law with the correct citation, “dental neglect” was specified elsewhere in the jurisdiction’s laws, dental neglect was considered part of medical neglect and we identified the correct and current sanctions for failing

to report child neglect by a mandated reporter. The response rate was 26 percent (13 responses) from the first contact. In our second contact, one month later, we emailed each state department health and human services again and received 17 (33 percent) responses. In our third and final contact, we emailed the jurisdiction representative in the Association of State and Territorial Dental Directors, which resulted in one additional response (2 percent). After three attempts of contact, we received responses from a total of 31 jurisdictions (61 percent), all of which confirmed that we obtained the correct citation reflecting the most current law on child neglect and correctly categorized sanctions for failing to report child neglect.

3.0 Results

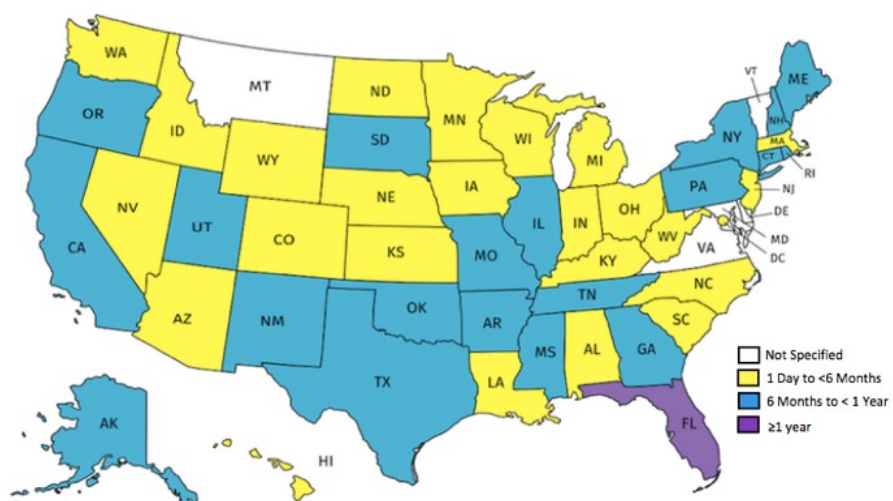
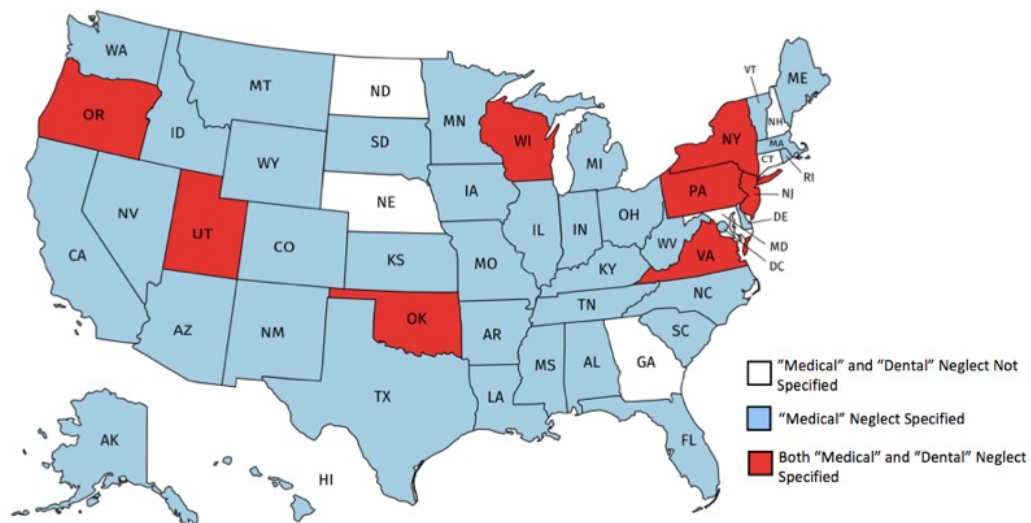
While all 51 jurisdictions had laws that defined child abuse and neglect, only the following eight (16 percent) jurisdictions specified ‘dental’ within the definition: New Jersey, New York, Oklahoma, Oregon, Pennsylvania, Virginia, Utah, and Wisconsin (Figure 1, Table 1). None of the 51 jurisdictions adopted the AAPD definition of dental neglect in the wording of their laws on child neglect (Figure 1, Table 1). The following is an example of the inclusion of the term “dental” within Pennsylvania’s law on child neglect: “A physical condition caused by the act or failure to act of a perpetrator which endangers the child’s life or development or impairs the child’s functioning and is the result of one of the following: Failure to provide essentials of life, including adequate medical and dental care” (23 Pa.c.s. § 6301-6385) (Appendix A).

Although only eight jurisdictions specified dental neglect, far more jurisdictions specified medical neglect (n=45, 88 percent) (Figure 1, Table 1). When communicating with state departments of health and human services, several jurisdictions considered dental neglect as part of medical neglect even if “dental” was not specified in the jurisdiction’s law (email communication). As an example, Washington State Department of Social and Health Services communicated that dental neglect was considered as part of the definition of negligent treatment in email communication despite the absence of the term: “‘Negligent treatment or maltreatment’ means an act or a failure to act, or the cumulative effects of a pattern of conduct, behavior, or inaction, that evidences a serious disregard of consequences of such magnitude as to constitute a

clear and present danger to a child's health, welfare, or safety” (Wash. Rev. Code § 26.44.020) (Appendix A).

In all 51 jurisdictions, laws protected mandated reporters, such as dentists, from civil and criminal liability if they reported in “good faith” (Table 2). The laws in all 51 jurisdictions also described sanctions for failing to report neglect by mandated reporters; however, the sanctions varied between jurisdictions with regard to the imposition of fines and imprisonment (Table 2, Figures 2 & 3). Overall, with the majority of sanctions were imprisonment for up to six months (49 percent) and fines up to \$1,000 (61 percent) (Table 2, Figures 2 & 3). However, imprisonment sanctions were greater in 21 jurisdictions: 20 of which indicated imprisonment up to one year and one that indicated imprisonment up to five years (Table 2, Figure 2). Fines were also variable with 15 jurisdictions stating fines up to \$5,000 and three jurisdictions with fines up to \$10,000 (Table 2, Figure 3).

There was a wide variation in imprisonment and fines for failing to report child neglect as a mandated reporter. For example, the sanction for failing to report child neglect by mandated reporter was up to six months of imprisonment and a fine up to \$1,000 in Colorado (Table 2, Figures 2 & 3). Comparatively, the sanction was up to one year of imprisonment and fine up between \$5,000 to \$10,000 in Alaska (Table 2, Figures 2 & 3). Some jurisdictions – such as Delaware, Maryland, Vermont and Virginia – denoted fines but no imprisonment for failing to report neglect (Table 2, Figure 2 & 3). The fine for failing to report child neglect was up to \$1,000 in Vermont and between \$5000 to \$10,000 in Delaware (Table 2, Figure 3). Overall, our analysis showed a lack of uniformity among jurisdictions concerning sanctions for mandated reporters for failing to report child neglect.



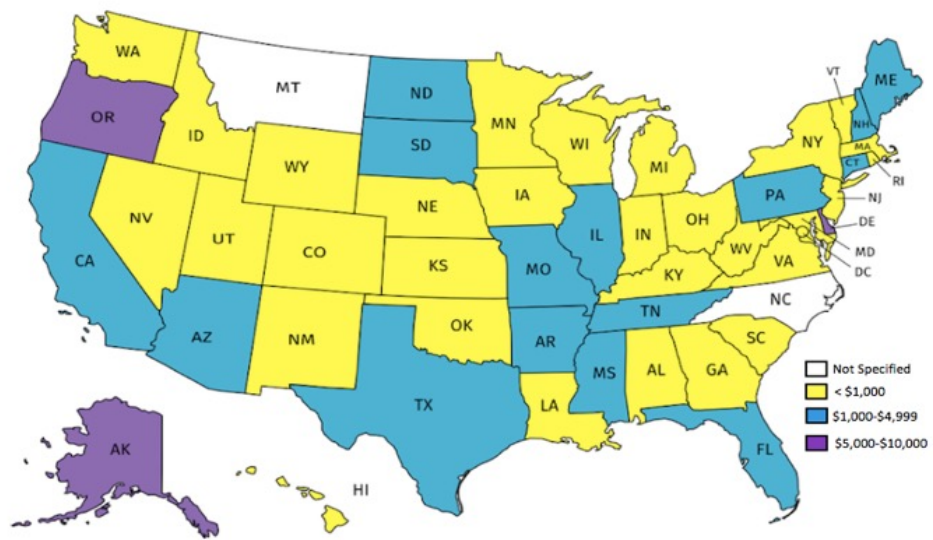


Figure 3. Sanctions Related to Fines for Failing to Report Child Neglect by Mandated Reporters in 51 United States Jurisdictions

Table 1. The Specification of "Medical" and "Dental" Terms in the Definition of Child Neglect for 51 United States Jurisdictions

Jurisdiction	Citation	Specific Term	
		Medical	Dental
AL	Ala. Code § 26-14-1(1)-(3)	✓	_*
AK	Alaska Stat. § 47.17.290	✓	-
AZ	Ariz. Rev. Stat. § 8-201	✓	-
AR	Ark. Code § 12-18-108	✓	-
CA	Cal. Welf. & Inst. Code § 300	✓	-
CO	Colo. Rev. Stat. §§ 10-1-103 and 19-3-102	✓	-
CT	Con. Gen. Stat. § 46b-120	-	-
DE	Del. Code tit. 16, § 902; Del. Code tit. 10, § 901	✓	-
DC	D.C. Code § 16-2301	✓	-
FL	Fla. Stat. § 39.01	✓	-
GA	Ga. Code Ann. § 19-7-5(b)	-	-
HI	Haw. Rev. Stat. § 350-1	✓	-
ID	Idaho Code Ann. § 16-1602	✓	-
IL	325 Ill. Comp. Stat. § 5/3	✓	-
IN	Ind. Code §§ 31-34-1-1, 9, 10, and 11	✓	-
IA	Iowa Code § 232.68	✓	-
KS	Kan. Stat. Ann. § 38-2202	✓	-
KY	Ky. Rev. Stat. Ann. § 600.020	✓	-
LA	La. Ch.C. art. 603	✓	-
ME	Me. Stat. tit. 22, § 4002	✓	-
MD	Md. Code Ann., Fam. Law § 5-701	-	-
MA	110 CMR 2.00	✓	-
MI	Mich. Comp. Laws § 722.622	✓	-
MN	Minn. Stat. § 626.556, Subd. 2	✓	-
MS	Miss. Code Ann. § 43-21-105	✓	-
MO	Mo. Rev. Stat. § 210.110	✓	-
MT	Mont. Code Ann. § 41-3-102	✓	-
NE	Neb. Rev. Stat. § 28-710	-	-
NV	Nev. Rev. Stat. § 431B.140	✓	-
NH	N.H. Rev. Stat. Ann. § 169-C: 3	-	-

Table 1. (continued). The Specification of "Medical" and "Dental" Terms in the Definition of Child Neglect for 51 United States Jurisdictions

NJ	N.J. Rev. Stat. § 3A:51-7.1	✓	✓
NM	N.M. Stat. § 32A-4-2	✓	-
NY	18 NYCRR 433.2	✓	✓
NC	N.C. Gen. Stat. § 7B-101	✓	-
ND	N.D. Cent. Code §§ 50-25.1-02; 27-20-01.	-	-
OH	Ohio Rev. Code § 2151.03(A)	✓	-
OK	Okla. Stat. tit. 10A, § 1-2-105	✓	✓
OR	OAR 407-045-0887	✓	✓
PA	23 Pa.C.S. § 6301-6385	✓	✓
RI	40 R.I. Gen L § 40-11-2	✓	-
SC	S.C. Code Ann. § 63-7-20	✓	-
SD	S.D. Codified Laws § 26-8A-2	✓	-
TN	Tenn. Code Ann. § 37-1-102	✓	-
TX	Tex. Fam. Code § 261.001	✓	-
UT	Utah Code § 78A-6-105	✓	✓
VT	Vt. Stat. Ann. tit. 33, § 4912	✓	-
VA	22VAC40-705-30; Va. Code Ann. § 63.2-100	✓	✓
WA	Wash. Rev. Code § 26.44.020; Wash Rev. Code § 9A.42.100	✓	-
WV	W. Va. Code § 49-1-201	✓	-
WI	Wis. Adm. Code DHS § 88.02	✓	✓
WY	Wyo. Stat. Ann., § 14-3-202	✓	-
Total		88%	16%

*-: Indicate that the specific term was absent from the jurisdiction citation

Table 2. Protection from Civil and Criminal Liability when Reporting Child Neglect and Sanctions* Related to Imprisonment and Fines for Failing to Report Child Neglect by Mandated Reporters in 51 United States Jurisdictions

Jurisdiction	Protection from Civil and Criminal Liability	Imprisonment				Fine			
		Not Specified	1 day to < 6 months	6 months to < 1 year	≥1 year	Not Specified	< \$1,000	\$1,000-\$4,999	\$5,000-\$10,000
AL	✓	- [†]	✓	-	-	-	✓	-	-
AK [‡]	✓	-	-	✓	-	-	-	-	✓
AZ [‡]	✓	-	✓	-	-	-	-	✓	-
AR	✓	-	-	✓	-	-	-	✓	-
CA	✓	-	-	✓	-	-	-	✓	-
CO	✓	-	✓	-	-	-	✓	-	-
CT	✓	-	-	✓	-	-	-	✓	-
DE	✓	✓	-	-	-	-	-	-	✓
DC [‡]	✓	-	✓	-	-	-	✓	-	-
FL [‡]	✓	-	-	-	✓ [§]	-	-	✓	-
GA [‡]	✓	-	-	✓	-	-	✓	-	-
HI [‡]	✓	-	✓	-	-	-	✓	-	-
ID [‡]	✓	-	✓	-	-	-	✓	-	-
IL [‡]	✓	-	-	✓	-	-	-	✓	-
IN	✓	-	✓	-	-	-	✓	-	-
IA [‡]	✓	-	✓	-	-	-	✓	-	-
KS	✓	-	✓	-	-	-	✓	-	-
KY [‡]	✓	-	✓	-	-	-	✓	-	-
LA [‡]	✓	-	✓	-	-	-	✓	-	-
ME	✓	-	-	✓	-	-	-	✓	-
MD [‡]	✓	✓	-	-	-	-	✓	-	-

Table 2 (continued). Protection from Civil and Criminal Liability when Reporting Child Neglect and Sanctions* Related to Imprisonment and Fines for Failing to Report Child Neglect by Mandated Reporters in 51 United States Jurisdictions

Jurisdiction	Protection from Civil and Criminal Liability	Imprisonment				Fine			
		Not Specified	1 day to < 6 months	6 months to < 1 year	≥1 year	Not Specified	< \$1,000	\$1,000-\$4,999	\$5,000-\$10,000
MA	✓	-	✓	-	-	-	✓	-	-
MI [‡]	✓	-	✓	-	-	-	✓	-	-
MN [‡]	✓	-	✓	-	-	-	✓	-	-
MS	✓	-	-	✓	-	-	-	✓	-
MO [‡]	✓	-	-	✓	-	-	-	✓	-
MT ^{‡∞}	✓	-	-	-	-	-	-	-	-
NE [‡]	✓	-	✓	-	-	-	✓	-	-
NV [‡]	✓	-	✓	-	-	-	✓	-	-
NH [‡]	✓	-	-	✓	-	-	-	✓	-
NJ	✓	-	✓	-	-	-	✓	-	-
NM	✓	-	-	✓	-	-	✓	-	-
NY [‡]	✓	-	-	✓	-	-	✓	-	-
NC ^{‡#}	✓	-	✓	-	-	-	-	-	-
ND [‡]	✓	-	✓	-	-	-	-	✓	-
OH [‡]	✓	-	✓	-	-	-	✓	-	-
OK	✓	-	-	✓	-	-	✓	-	-
OR	✓	-	-	✓	-	-	-	-	✓
PA [‡]	✓	-	-	✓	-	-	-	✓	-
RI [‡]	✓	-	-	✓	-	-	✓	-	-
SC [‡]	✓	-	✓	-	-	-	✓	-	-
SD [‡]	✓	-	-	✓	-	-	-	✓	-

Table 2 (continued). Protection from Civil and Criminal Liability when Reporting Child Neglect and Sanctions* Related to Imprisonment and Fines for Failing to Report Child Neglect by Mandated Reporters in 51 United States Jurisdictions

Jurisdiction	Protection from Civil and Criminal Liability	Imprisonment				Fine			
		Not Specified	1 day to < 6 months	6 months to < 1 year	≥1 year	Not Specified	< \$1,000	\$1,000-\$4,999	\$5,000-\$10,000
TN [†]	✓	-	-	✓	-	-	-	✓	-
TX [†]	✓	-	-	✓	-	-	-	✓	-
UT [†]	✓	-	-	✓	-	-	✓	-	-
VT	✓	✓	-	-	-	-	✓	-	-
VA	✓	✓	-	-	-	-	✓	-	-
WA [‡]	✓	-	✓	-	-	-	✓	-	-
WV	✓	-	✓	-	-	-	✓	-	-
WI	✓	-	✓	-	-	-	✓	-	-
WY	✓	-	✓	-	-	-	✓	-	-
Total	100%	10%	49%	39%	2%	4%	61%	29%	6%

* The reported sanctions pertain only to the first offense for failing to report neglect as a mandated provider. † -: Indicated that the specific term was absent from the jurisdiction citation. ‡ Both the protections and sanctions for the first offense for failing to report neglect as a mandated provider were confirmed with the department of health and human services in each jurisdiction. § The sanction for the first offense for failing to report neglect as a mandated provider includes imprisonment for up to 5 years in Florida. ∞ The sanctions, including imprisonment and fine, are not specified in Montana. # The sanctions related to fines are “what the court deems appropriate,” and thereby not specified, in North Carolina.

4.0 Discussion

To our knowledge, this was the first study to evaluate jurisdiction laws on the inclusion of “dental” in the definition of child neglect and sanctions for failing to report child dental neglect for mandated reporters, such as dentists. We had two major findings. First, eight jurisdictions specified “dental” within the definition of child neglect and none adopted the AAPD definition of dental neglect. Secondly, we found interjurisdictional variation in mandated reporter sanctions for failing to report child neglect, ranging from imprisonment from up to 6 months to 5 years and fines from up to \$1,000 to up to \$10,000. We will discuss each of these major findings as well as the potential jurisdictional differences related to reporting child neglect in “good faith.”

4.1 Few Jurisdictions Specify “Dental” Neglect

Our interjurisdictional comparison revealed that only eight jurisdictions specified “dental” within the definition of child neglect, which is an increase from two jurisdictions in 1986.¹⁰ In jurisdictions where “dental” is not specified within the law’s definition of child neglect, it is unclear whether the jurisdictions consider dental neglect to be a form of child neglect. If dental neglect is considered a part of child neglect and “dental” is not specified by the law, then dentists may not be aware that dental neglect is considered part of the jurisdiction’s definition. For example, in a study by Ramos-Gomez and colleagues (1998), 13 percent (266/2,000) of California dentists surveyed erroneously reported that dentists were required by California law to report suspected cases of abuse but not neglect.²¹ Moreover, dentists in jurisdictions where “dental” is not specified within the definition of child neglect may not be

aware of the serious consequences of dental neglect and the importance of reporting. This may be contributing to an underreporting of child dental neglect by dentists.

Additionally, the absence of the term “dental” within the jurisdiction’s definition of child neglect may result in confusion, not only for dentists, but all mandated reporters and law enforcement. To add clarity, all mandated reporters – including schoolteachers, day-care workers and health care practitioners – jurisdictions should adopt the AAPD definition of child dental neglect within their child neglect laws. A clear definition of child dental neglect may foster better reporting and implementation of law enforcement on child dental neglect.

4.2 Inconsistent Sanctions for Failing to Report Child Neglect

The sanctions for failing to report child neglect by mandated reporters were inconsistent, ranging from mild to severe imprisonment and fines. This finding was more progressive compared to a previous legal analysis in 1995, which found that sanctions were not delineated in every jurisdiction for mandated reporters who failed to report suspected cases of child abuse and neglect.¹¹ The severity of the sanctions may reflect the jurisdiction’s recognition of the seriousness of child abuse and neglect as a public health issue as well as the importance of the role of mandatory reporters, such as dentists, in recognizing the problem and intervening.

Knowledge of the current sanctions may incentivize dentists to increase their awareness of signs of child dental neglect and establish reporting protocols. In 1998, Ramos-Gomez and colleagues (1998) found that 59 percent (1,176/2,000) of California dentists surveyed were unaware of the legal consequences of failing to report suspected child abuse or neglect.²¹ With increased awareness of the sanctions for failing to report child dental neglect, there may be more timely reporting. This could result in fewer long-term repercussions of child dental neglect and improved oral health in children. The sanctions found in this analysis may encourage dentists to

fulfill their legal and ethical obligation to address the serious public health problem of child neglect.

4.3 Good Faith

The laws in each jurisdiction contained language to protect mandated reporters from criminal and civil liability arising from reporting child neglect in “good faith.” This finding is consistent with a previous legal analysis on dentistry’s role in preventing child abuse and neglect in 1995.¹¹ Although the definition of “good faith” is consistent across jurisdictions as “an assumption that the person, to best of his or her knowledge, had reason that the child is subject to abuse or neglect,”⁵ the interpretation of “good faith” may vary by jurisdiction due to differences in case law.

4.4 Limitations

The results of this study should be interpreted in light of its limitations. Firstly, our analysis was limited to sanctions for failing to report child neglect as a mandated reporter as a first offense. Subsequent offenses for failing to report child abuse and neglect as a mandated reporter may have progressive sanctions depending on the jurisdiction. For example, in Pennsylvania, the sanction for the first offense of failing to report child neglect is imprisonment of six months to one year and fine of \$1,000. The sanction for a second failure to report is imprisonment from three and half to seven years and a fine of up to \$15,000. The sanction for a subsequent failures to report is imprisonment for two years and a fine of up to \$25,000. Secondly, we reached out to the departments of health and human services in each jurisdiction to confirm our findings on the most current child abuse and neglect laws. An alternative department, such as the Department of Public Safety, may be more insightful as to child abuse

and neglect laws. Finally, even after multiple attempts, we were not able to obtain confirmation of our findings for all 51 jurisdictions.

4.5 Future analyses

Future analysis can examine whether jurisdictions with higher sanctions for failing to report dental neglect are associated with increased reporting of dental neglect. Future research can also examine dentists' awareness of these sanctions is associated with increased reporting of dental neglect.

5.0 Conclusion

Our study provides current information on child neglect laws regarding the inclusion of “dental” in the definition of child neglect and the sanctions for failing to report child neglect by mandated reporters, such as dentists. We found that eight jurisdictions specified dental neglect within the definition of child neglect and no jurisdictions adopted the AAPD definition of dental neglect. Overall, dentists were protected when reporting child neglect and penalized for failing to report child neglect. While all jurisdictions consistently protected mandated reporters from civil and criminal liability for reporting child neglect in good faith, the sanctions for failing to report child neglect as a mandated reporter varied greatly with regard to imprisonment and fines.

Appendix A. The Specification of "Medical" and "Dental" Terms in the Definition of Child Neglect for 51 United States Jurisdictions

Jurisdiction	Child Neglect Definition Related to Health Care Services		Specific Term	
	Citation	Selected Quote(s) from Citation	Medical	Dental
AL	Ala. Code § 26-14-1(1)-(3)	"Negligent treatment or maltreatment of a child, including the failure to provide adequate food, medical treatment, supervision, clothing, or shelter."	✓	* -
AK	Alaska Stat. § 47.17.290	"Failure of the person responsible for the child's welfare to provide the child necessary food, care, clothing, shelter, or medical attention."	✓	-
AZ	Ariz. Rev. Stat. § 8-201	"The inability or unwillingness of a parent, guardian, or custodian of a child to provide that child with supervision, food, clothing, shelter, or medical care, if that inability or unwillingness causes unreasonable risk of harm to the child's health or welfare...."	✓	-
AR	Ark. Code § 12-18-108	"Failure or refusal to provide the food, clothing, shelter, and education required by law." "Failure to provide for the child's care and maintenance, proper or necessary support, or medical, surgical, or other necessary care"	✓	-
CA	Cal. Welf. & Inst. Code § 300	"The willful or negligent failure of the parent or guardian to provide the child with adequate food, clothing, shelter, or medical treatment."	✓	-
CO	Colo. Rev. Stat. §§ 10-1-103 and 19-3-102	"The term 'child abuse or neglect' includes any case in which a child is in need of services because the child's parent has failed to provide adequate food, clothing, shelter, medical care, or supervision that a prudent parent would take." "The parent, guardian, or legal custodian fails or refuses to provide the child with proper or necessary subsistence, education, medical care, or any other necessary care."	✓	-
CT	Con. Gen. Stat. § 46b-120	"A child or youth . . . is being denied proper physical, educational, emotional, or moral care and attention" "A child or youth may be found 'uncared for' who is homeless; whose home cannot provide the specialized care that the physical, emotional, or mental condition of the child requires; or who has been identified as a victim of trafficking, as defined in § 46a-170."	-	-
DE	Del. Code tit. 16, § 902; Del. Code tit. 10, § 901	"Fails to provide necessary care with regard to food, clothing, shelter, education, health, medical, or other care necessary for the child's emotional, physical, or mental health, or safety and general well-being"	✓	-
DC	D.C. Code § 16-2301	"Failure to provide adequate food, clothing, shelter, or medical care that includes medical neglect, and the deprivation is not due to the lack of financial means of his or her parent, guardian, or other custodian."	✓	-

FL	Fla. Stat. § 39.01	<p>"'Medical neglect' means the failure to provide or allow needed care as recommended by a health-care practitioner for a physical injury, illness, medical condition, or impairment; or the failure to seek timely and appropriate medical care for a serious health problem that a reasonable person would have recognized as requiring professional medical attention. Medical neglect does not occur if the parent or legal guardian of the child has made reasonable attempts to obtain necessary health-care services or the immediate health condition giving rise to the allegation of neglect is a known and expected complication of the child's diagnosis or treatment, and:"</p> <p>"• The recommended care offers limited net benefit to the child, and the morbidity or other side effects of the treatment may be considered to be greater than the anticipated benefit."</p> <p>"• The parent or legal guardian received conflicting medical recommendations for treatment from multiple practitioners and did not follow all recommendations."</p>	✓	-
GA	Ga. Code Ann. § 19-7-5(b)	"The term 'child abuse' includes neglect or exploitation of a child by a parent or caregiver. 'Child abuse' means physical injury or death inflicted upon a child by a parent or caregiver by other than accidental means."	-	-
HI	Haw. Rev. Stat. § 350-1	"'Child abuse or neglect' occurs when a child is not provided in a timely manner with adequate food, clothing, shelter, psychological care, physical care, medical care, or supervision."	✓	-
ID	Idaho Code Ann. § 16-1602	"'Neglected' means a child . . . Who is without proper parental care and control, subsistence, medical, or other care necessary for his or her well-being because of the conduct or omission of his or her parents, guardian, or other custodian, or their neglect or refusal to provide them."	✓	-
IL	325 Ill. Comp. Stat. § 5/3	"'Neglected child' means any child who is not receiving proper or necessary nourishment or medically indicated treatment, including food or care, that is not provided solely on the basis of the present or anticipated mental or physical impairment as determined by a physician acting alone or in consultation with other physicians or otherwise is not receiving proper or necessary support or medical or other remedial care recognized under State law as necessary for a child's well-being, or other care necessary for his or her well-being, including adequate food, clothing and shelter."	✓	-

IN	Ind. Code §§ 31-34-1-1, 9, 10, and 11	"The child's physical or mental condition is seriously impaired or seriously endangered as a result of the inability, refusal, or neglect of the child's parent, guardian, or custodian to supply the child with necessary food, clothing, shelter, medical care, education, or supervision."	✓	-
IA	Iowa Code § 232.68	"The failure on the part of a person responsible for the care of a child to provide adequate food, shelter, clothing, medical or mental health treatment, supervision, or other care necessary for the child's health and welfare when financially able to do so or when offered financial or other reasonable means to do so."	✓	-
KS	Kan. Stat. Ann. § 38-2202	"Medical 'Neglect' means acts or omissions by a parent, guardian, or person responsible for the care of a child that results in harm to a child or presents a likelihood of harm, and the acts or omissions are not due solely to the lack of financial means of the child's parents or other custodian. Neglect may include but shall not be limited to:" "• Failure to use resources available to treat a diagnosed medical condition if such treatment will make a child substantially more comfortable, reduce pain and suffering, or correct or substantially diminish a crippling condition from worsening."	✓	-
KY	Ky. Rev. Stat. Ann. § 600.020	"The term 'abused or neglected child' includes a child whose health or welfare is harmed or threatened with harm when his or her parent, guardian, or other person exercising custodial control or supervision . . . Does not provide the child with adequate care, supervision, food, clothing, shelter, education, or medical care necessary for the child's well-being"	✓	-
LA	La. Ch.C. art. 603	"'Neglect' means the refusal or unreasonable failure of a parent or caregiver to supply the child with necessary food, clothing, shelter, care, treatment, or counseling for any injury, illness, or condition of the child, and as a result of which the child's physical, mental, or emotional health and safety is substantially threatened or impaired."	✓	-
ME	Me. Stat. tit. 22, § 4002	"'Abuse or neglect' means a threat to a child's health or welfare by deprivation of essential needs or lack of protection by a person responsible for the child." "'Jeopardy to health or welfare' or 'jeopardy' means serious abuse or neglect as evidenced by . . . Deprivation of necessary health care when the deprivation places the child in danger of serious harm."	✓	-

MD	Md. Code Ann., Fam. Law § 5-701	<p>"Neglect' means leaving a child unattended or other failure to give proper care and attention to a child by any parent or other person who has permanent or temporary care or custody or responsibility for supervision of the child under circumstances that indicate:"</p> <p>"• That the child's health or welfare is harmed or placed at substantial risk of harm"</p>	-	-
MA	110 CMR 2.00	"Neglect' means failure by a caregiver, either deliberately or through negligence or inability, to take those actions necessary to provide a child with minimally adequate food, clothing, shelter, medical care, supervision, emotional stability, and growth, or other essential care."	✓	-
MI	Mich. Comp. Laws § 722.622	<p>"Child neglect' means harm or threatened harm to a child's health or welfare, by a parent, legal guardian, or any other person responsible for the child's health or welfare, that occurs through either of the following:"</p> <p>"• Negligent treatment, including the failure to provide adequate food, clothing, shelter, or medical care."</p> <p>"• Placing a child at an unreasonable risk to the child's health or welfare by failure to intervene to eliminate that risk when the parent, legal guardian, or other person responsible for the child's health or welfare is able to do so and has, or should have, knowledge of the risk."</p>	✓	-
MN	Minn. Stat. § 626.556, Subd. 2	<p>"Neglect' means the commission or omission of any of the acts specified below by other than accidental means:</p> <p>"• Failure by a person responsible for a child's care to supply a child with necessary food, clothing, shelter, health, medical, or other care required for the child's physical or mental health when reasonably able to do so."</p>	✓	-
MS	Miss. Code Ann. § 43-21-105	<p>"Neglected child' means a child:"</p> <p>"• Whose parent, guardian, custodian, or any person responsible for his or her care or support neglects or, when able to do so, refuses to provide proper and necessary care or support; education as required by law; or medical, surgical, or other care necessary for his or her well-being."</p> <p>"• Who, for any reason, lacks the care necessary for his or her health, morals, or well-being."</p>	✓	-
MO	Mo. Rev. Stat. § 210.110	"Failure to provide, by those responsible for the care, custody, and control of the child, proper or necessary support; education as required by law, nutrition; or medical, surgical, or any other care necessary for the child's well-being."	✓	-

MT	Mont. Code Ann. § 41-3-102	"Fails to supply clothing, shelter, education, or adequate health care, though financially able to do so or when offered financial or other reasonable means to do so" "• Withholding of medically indicated treatment' means failure to respond to an infant's life-threatening conditions by not providing treatment, including appropriate nutrition, hydration, and medication, that in the treating physician's or physicians' reasonable medical judgment is most likely to be effective in ameliorating or correcting the conditions."	✓	-
NE	Neb. Rev. Stat. § 28-710	"'Child abuse or neglect' means knowingly, intentionally, or negligently causing or permitting a minor child to be deprived of necessary food, clothing, shelter, or care..."	-	-
NV	Nev. Rev. Stat. § 431B.140	"Negligent treatment or maltreatment of a child occurs if a child has been subjected to harmful behavior that is terrorizing, degrading, painful, or emotionally traumatic; has been abandoned; is without proper care, control, or supervision; or lacks the subsistence, education, shelter, medical care, or other care necessary for the well-being of the child because of the faults or habits of the person responsible for the welfare of the child or the neglect or refusal of the person to provide them when able to do so."	✓	-
NH	N.H. Rev. Stat. Ann. § 169-C: 3	"'Neglected child' means a child: Who is without proper parental care or control, subsistence, education as required by law, or other care or control necessary for his or her physical, mental, or emotional health, when it is established that his or her health has suffered or is very likely to suffer serious impairment, and the deprivation is not due primarily to the lack of financial means of the parents, guardian, or custodian"	-	-
NJ	N.J. Rev. Stat. § 3A:51-7.1	"Abused child' or 'abused or neglected child' means a child younger than age 18 whose physical, mental, or emotional condition has been impaired or is in imminent danger of becoming impaired as the result of the failure of his parent, guardian, or other person having custody and control, to exercise a minimum degree of care:" "• In supplying the child with adequate food, clothing, shelter, education, medical, or surgical care, although financially able to do so or although offered financial or other reasonable means to do so." "• The child does not receive required/necessary immunizations, dental care, medical follow-up or medication for conditions which can pose serious harm to the child."	✓	✓

NM	N.M. Stat. § 32A-4-2	"'Neglected child' means a child . . . Who is without proper parental care and control or subsistence, education, medical, or other care or control necessary for the child's well-being because of the faults or habits of the child's parent, guardian, or custodian or that person's failure or refusal to provide them."	✓	-
NY	18 NYCRR 433.2	"Neglect means any action, inaction or lack of attention that breaches a custodian's duty, and that results in or is likely to result in physical injury or serious or protracted impairment of the physical, mental or emotional condition of a service recipient. Neglect shall include, but is not limited to: failure to provide proper supervision, including lack of proper supervision that results in conduct between persons receiving services that would constitute physical abuse, sexual abuse, psychological abuse, deliberate or inappropriate use of restraints, use of aversive conditioning, obstruction or reports of reportable incidents, or unlawful use or administration of a controlled substance, as defined above; failure to provide adequate food, clothing, shelter, medical, dental, optometric or surgical care, consistent with the rules and regulations governing the same, provided that the facility or provider agency has reasonable access to the provision of such services and that necessary consents to any such medical, dental, optometric or surgical treatment have been sought and obtained from the appropriate individuals."	✓	✓
NC	N.C. Gen. Stat. § 7B-101	"Neglected juvenile' means a child:" "• Who is not provided necessary medical or remedial care" "'Serious neglect' means conduct, behavior, or inaction of the juvenile's parent, guardian, custodian, or caregiver that evidences a disregard of consequences of such magnitude that the conduct, behavior, or inaction constitutes an unequivocal danger to the juvenile's health, welfare, or safety, but does not constitute abuse."	✓	-
ND	N.D. Cent. Code §§ 50-25.1-02; 27-20-01.	"'Neglected child' means a deprived child as defined in chapter 27-20." "'Deprived child' means a child who:" "• Is without proper parental care or control, subsistence, education, or other care or control necessary for the child's physical, mental, or emotional health or morals; and the deprivation is not due primarily to the lack of financial means of the child's parents, guardian, or other custodian." "• Is in need of treatment and whose parents, guardian, or other custodian have refused to participate in treatment as ordered by the juvenile court."	-	-

OH	Ohio Rev. Code § 2151.03(A)	<p>"Neglected child" includes any child:</p> <ul style="list-style-type: none"> • Whose parents, guardian, or custodian neglects the child or refuses to provide proper or necessary subsistence, education, medical or surgical care or treatment, or other care necessary for the child's health, morals, or well-being; • Who, because of the omission of the child's parents, guardian, or custodian, suffers physical or mental injury that harms or threatens to harm the child's health or welfare." 	✓	-
OK	Okla. Stat. tit. 10A, § 1-2-105	<p>"Neglect" means any of the following:</p> <ul style="list-style-type: none"> • The failure or omission to provide any of the following: • Adequate nurturance and affection, food, clothing, shelter, sanitation, hygiene, or appropriate education." • Medical, dental, or behavioral health care. Supervision or appropriate caregiver." • Special care made necessary by the physical or mental condition of the child." 	✓	✓
OR	OAR 407-045-0887	"Medical neglect is a refusal or failure to seek, obtain, or maintain necessary medical, dental, or mental health care. Medical neglect includes withholding medically indicated treatment from infants who have disabilities and life-threatening conditions. However, failure to provide a child with immunizations or routine care alone does not constitute medical neglect. When the OTIS investigator is making a determination of medical neglect, this determination must be consistent with medical findings."	✓	✓
PA	23 Pa.C.S. § 6301-6385	"A physical condition caused by the act or failure to act of a perpetrator which endangers the child's life or development or impairs the child's functioning and is the result of one of the following: Failure to provide essentials of life, including adequate medical and dental care."	✓	✓
RI	40 R.I. Gen L § 40-11-2	<p>"The term 'abused and/or neglected child' includes a child whose physical or mental health or welfare is harmed or threatened with harm when the child's parent or other person responsible for his or her welfare:</p> <ul style="list-style-type: none"> • Fails to supply the child with adequate food, clothing, shelter, or medical care, although financially able to do so or offered financial or other reasonable means to do so." 	✓	-

SC	S.C. Code Ann. § 63-7-20	"'Child abuse or neglect' or 'harm' occurs when the parent, guardian, or other person responsible for the child's welfare fails to supply the child with adequate food, clothing, shelter, education as required by law, supervision appropriate to the child's age and development, or health care even though financially able to do so or offered financial or other reasonable means to do so, and the failure to do so has caused or presents a substantial risk of causing physical or mental injury."	✓	-
SD	S.D. Codified Laws § 26-8A-2	"The term 'abused or neglected child' includes a child:" "• Whose parent, guardian, or custodian fails or refuses to provide proper or necessary subsistence, supervision, education, medical care, or any other care necessary for the child's health, guidance, or well-being."	✓	-
TN	Tenn. Code Ann. § 37-1-102	"'Dependent and neglected child' means a child:" "• Whose parent or guardian neglects or refuses to provide necessary medical, surgical, institutional, or hospital care."	✓	-
TX	Tex. Fam. Code § 261.001	"'Neglect' means the following acts or omissions by the person responsible for a child's care, custody, or welfare:" "• Failing to seek, obtain, or follow through with medical care for a child, with the failure resulting in or presenting a substantial risk of death, disfigurement, or bodily injury, or with the failure resulting in an observable and material impairment to the growth, development, or functioning of the child."	✓	-
UT	Utah Code § 78A-6-105	"'Medical neglect' means failure or refusal to provide proper or necessary medical, dental, or mental health care or to comply with the recommendations of a medical, dental, or mental health professional necessary to the child's health, safety, or well-being."	✓	✓
VT	Vt. Stat. Ann. tit. 33, § 4912	"'Harm' can occur by failure to supply the child with adequate food, clothing, shelter, or health care. As used in this subchapter, 'adequate health care' includes any medical or nonmedical remedial health care permitted or authorized under State law."	✓	-
VA	22VAC40-705-30; Va. Code Ann. § 63.2-100	"'Abused or neglected child' means any child younger than age 18:" "• Whose parents or other person responsible for his or her care neglects or refuses to provide care necessary for his or her health" "Necessary dental care or treatment Medical neglect includes a caretaker's failure to provide or allow necessary dental treatment or care for a child. Necessary dental care does not include preventive dental care."	✓	✓

WA	Wash. Rev. Code § 26.44.020; Wash Rev. Code § 9A.42.100	"'Negligent treatment or maltreatment' means an act or a failure to act, or the cumulative effects of a pattern of conduct, behavior, or inaction, that evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to a child's health, welfare, or safety, including but not limited to conduct prohibited under § 9A.42.100"	✓	-
WV	W. Va. Code § 49-1-201	"'Neglected child' means a child:" "• Whose physical or mental health is harmed or threatened by a present refusal, failure, or inability of the child's parent, guardian, or custodian to supply the child with necessary food, clothing, shelter, supervision, medical care, or education."	✓	-
WI	Wis. Adm. Code DHS § 88.02	"'Neglect' means failure, refusal, or inability on the part of a caregiver, for reasons other than poverty, to provide necessary care, food, clothing, medical or dental care, or shelter so as to seriously endanger the physical health of the child."	✓	✓
WY	Wyo. Stat. Ann., § 14-3-202	"'Neglect' means a failure or refusal by those responsible for the child's welfare to provide adequate care; maintenance; supervision; education; or medical, surgical, or any other care necessary for the child's well-being."	✓	-
Total			88%	16%

*-: Indicated that the specific term was absent from the jurisdiction citation.

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